

**COUNCIL MEETING
MONDAY, AUGUST 20, 2018
COUNCIL CHAMBERS
www.lackawannany.gov**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Annette Iafallo.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Schultz, Leonard, Surdyke, Iafallo

Dept. Heads: Present: Law, Development, Comptroller, Public Safety, Recreation,
Public Works

Approval of Minutes: of regular meeting of July 16, 2018 and special meeting July 26, 2018

Moved by Iafallo seconded by Leonard to adopt minutes of special meeting of July 16th and regular meeting of July 26, 2018 as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Departmental Reports:

1. **City Clerk-** Monthly Revenue Report for July 2018
2. **City Treasurer-** Total Receipts deposited into the General Fund for July 2018
3. **City Comptroller-** A/P Check Listing #54, July 12, 2018
4. **City Comptroller-** A/P Check Listing #55, July 13, 2018
5. **City Comptroller-** A/P Check Listing #56, July 19, 2018
6. **City Comptroller-** A/P Check Listing #57, July 25, 2018
7. **City Comptroller-** A/P Check Listing #58, July 26, 2018
8. **City Comptroller-** A/P Check Listing #1, August 2, 2018
9. **City Comptroller-** A/P Check Listing #2, August 10, 2018

Moved Iafallo seconded by Noman receive and file departmental reports one thru nine

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Communications from the Council:

“Honorary Street Re-naming” Criteria

10. To: City Council

After reviewing the criteria for “Honorary Street Re-naming” it has come to my attention that there needs to be a change.

I am suggesting that the candidate should not be a group, country or have a title before the given name.

Acceptable-John Smith **not acceptable** President John Smith.

Also, no application will be accepted without payment, and, must fulfill all the required criteria as outlined and approved by the City Council.

ANNETTE IAFALLO-COUNCIL PRESIDENT

Move by Iafallo seconded by Leonard to **TABLE** request, pending additional information

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

10. A. Eugene Hendrix Street

To: City Council

The "Honorary" Street Re-naming Committee received a request to "rename" Washington Street between Steelawanna and Wilkesbarre. The Committee has voted to submit the request to the Council for final approval. If the Council agrees, the family will be contacted to pay the \$100.00 fee for the Eugene Hendrix Street sign.

ANNETTE IAFALLO-COUNCIL PRESIDENT

Moved by Iafallo seconded by Noman approve honorary renaming of a section of Washington Street as Eugene Hendrix Street after the receipt of \$100.00.

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Communications from Department/Division Heads:

Tabled Items-Over 90 Days

11. To: City Council

The policy established by the City Council on May 20, 1991, directs that all tabled items not acted upon within ninety (90) days be deemed null and void and to be resubmitted to the City Council to be received and file. I respectfully submit the following tabled agenda items over 90 days for Council review:

<u>Meeting Date</u>	<u>From:</u>	<u>Regarding:</u>
05/09/18- #6	Council-Leonard	Senior Center Parking
05/09/18- #17	Resident-A. Thorton	Community Game Night
05/21/18- #6	Assessor	0% Shift in Adjusted Base Proportions

JEFFREY P DEPASQUALE-CITY CLERK

Moved by Iafallo seconded by Leonard receive and file

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

NYS Comptroller Audit-Multiple Dwelling Property Inspections

12. To: City Council

The City Clerk's Office received notification from the Office of the NYS Comptroller. Their office audited fire safety and property maintenance (FSPM) inspection programs and practices in the following six units: Town of Greece, Village of Hempstead and the Cities of Lackawanna, Schenectady, Utica and White Plains. New York Codes Rules and Regulations (NYCRR) requires FSPM inspections for all residential buildings with three or more dwellings at least once every three years, unless the local law or policy requires a more restrictive timeframe.

(Complete report on file with the City Clerk)

JEFFREY P DEPASQUALE-CITY CLERK

Moved by Iafallo seconded by Surdyke receive and file
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Fire Department-New Pumper

13. To: City Council

As talked about during budget hearings, the fire department is in need of a new pumper to replace Engine 1 which is 21 years old.

I ask your Honorable Body to please direct the City Clerk to advertise for bids. Specifications have been prepared and are ready for bid.

If you have any questions please feel free to contact me.

RALPH GALANTI-FIRE CHIEF

Moved by Iafallo seconded by Surdyke to **TABLE** request, pending additional information

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Assessors Annual Conference

14. To: City Council

I am requesting approval to attend the New York State Assessors Annual Conference the week of September 20, 2018 in Bennington, New York. Funds are available in the current budget. A majority of the cost for the annual meeting will be reimbursed by the State of New York.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Iafallo seconded by Leonard approve request

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Amend Chapter 88

15. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Iafallo seconded by Surdyke receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

15. (A)-AN ORDINANCE AMENDING CHAPTER 88, BUSINESS, REGISTRATION OF, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 88-4 shall be amended to add the following:

C. Upon the receipt of an application for a certificate of business, the City Clerk may issue a provisional certificate of business registration which would allow the applicant to open and operate the business pending approval of the application by the City Council. The provisional certificate of business registration shall remain in effect until the City Council approves or rejects the application for business registration. The City Clerk shall have the authority to revoke a provisional certificate of business registration pursuant to §88-8 of this Chapter. The issuance of the provisional certificate shall not relieve the applicant of the obligation to obtain any other necessary licenses and permits that may be required by the board, state and/or county government.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Leonard adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Agreement between City and Lackawanna Little Loop

16. To: City Council

Please put the attached agreement on the agenda for council approval. Thank you.
(Complete lease agreement on file with City Clerk)

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Iafallo seconded by Noman approve request
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Rescind & Replace Chapter 230

17. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Iafallo seconded by Surdyke receive and file, act on ordinance
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

17 (A). AN ORDINANCE RESCINDING AND REPLACING CHAPTER 230, ZONING, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 230-52 Unlicensed vehicles shall be rescinded and replaced as following:

- A. No unlicensed or unregistered vehicles shall be stored outdoors for more than 30 days.
- B. The outdoor storage of more than one unlicensed or unregistered vehicle, per parcel, is prohibited.
- C. Unlicensed or unregistered vehicles shall be stored at the rear of the parcel whenever possible.
- D. Unlicensed or unregistered vehicles shall be stored so that said vehicle is not visible from the public right-of-way, whenever possible.
- E. Unlicensed or unregistered vehicles may be temporary stored at vehicle repair shops or automobile sales businesses which are in compliance with applicable zoning and licensing requirements, pending the repair or sale of such vehicle not to exceed 30 days.
- F. Junk vehicles, for the purpose of this section, shall be defined as any vehicle, including a trailer, which is without a current inspection sticker, insurance valid license plate or plates and/or is in either a rusted, wrecked, discarded, dismantled, partly dismantled, inoperable or abandoned condition.
- G. A junk vehicle may not be parked, stored outdoors or be visible from a public right-of-way.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

2017-2018 Budget Transfers -Special Refuse Fund

18. To: City Council

Attached is a budget transfer between the Special Refuse Fund and the General Fund for your review and approval. This transfer is necessary to allocate payroll expenditures for the Special Refuse Fund.

If you have any questions, feel free to contact me.

CAROLYN A NICOMETO-CITY COMPTROLLER

Moved by Iafallo seconded by Leonard receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

18 (A). AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to transfer appropriations for Sanitation payroll from the General Fund to the Special Revenue-Refuse and Garbage Fund.

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to transfer \$43,770.00 to budget code A.9000.9551 Transfer to Special Revenue Fund.

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to transfer \$40,710.00 from budget code A.5110.101 Maintenance of Streets, Personal Services and \$3,060.00 from budget code A.9000.9030 Employee Benefits, Social Security.

SECTION 4. That the 2017-2018 Budget Ordinance is hereby amended to increase budget code CL.0000.5031 Special Revenue Fund-Garbage and Refuse Interfund Transfers by \$43,770.00.

SECTION 5. That the 2017-2018 Budget Ordinance is hereby amended to increase budget code CL.8160.101 Special Revenue Fund-Garbage and Refuse Personal Services by \$39,400.00, increase budget code CL.8160.102 Special Revenue Fund-Overtime by \$1,310.00 and budget code CL.9000.9030 Special Revenue Fund-Garbage and Refuse Social Security by \$3060.00.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Leonard adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

2017-2018 Budget Transfers-Mayor's Office

19. To: City Council

Attached is a budget transfer to account for a part time Clerk in the Mayor's office while the secretary is out on leave. We were able to utilize time from another budget line and therefore it was not necessary to transfer it out of fund balance.

If you have any questions, feel free to contact me.

CAROLYN A NICOMETO-CITY COMPTROLLER

Moved by Iafallo seconded by Schultz receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

19 A. AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for Mayor Personal Services and decrease appropriations for Mayor Personal Services and decrease appropriations for Contingency for part time assistance in the Mayor's office.

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$2,800.00 budget code A.1210.101 Mayor-Personal Services.

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to decrease by \$2,800.00 budget code A.7620.101 Adult Recreation-Personal Services.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

2017-2018 Budget Transfer-VariouS Departments

20. To: City Council

Please be advised, pursuant to Chapter 12.12 Subdivision (C)2 of the City Charter, after a review of the Office of Department of Administration and Finance, Office of the City Clerk, Department of Development, Department of Public Works, Department of Public Safety, and Department of Recreation, the attached lists of transfers were made to balance many of the 2017-2018 accounts.

CAROLYN A NICOMETO-CITY COMPTRROLLER

Moved by Iafallo seconded by Leonard receive and file

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Waive Rules:

Moved by Iafallo seconded by Leonard to waive rules

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Code Enforcement Letter-Property Maintenance

To: City Council

I humbly submit to you this letter drafted by our Code Enforcement Officer. This letter is in regards to the targeted areas with code enforcement issues. If you have any question please contact my office.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Draft letter to homeowner regarding Property Maintenance

The City of Lackawanna is initiating a new enforcement program directed at all property owners within various areas of the city. Your building is located within this identified area of concern and this office shall begin a vigorous and comprehensive housing program.

Therefore, our inspectors will be focusing on property conditions, sanitation, and anything that could be determined to cause a slum and blight condition. You as the property owner can take action now ensuring your building is ascetically maintained and yard areas are also well maintained. Also, this office can assist you if you should have tenants that are causing problems by not cleaning their responsible areas or won't cooperate. You may contact this office and we can work together in getting results from these difficult tenants. This can be accomplished by this office addressing concerns directly with the tenant with possible court action or perhaps terminating your rent agreement with the most difficult tenants.

If you should have any questions or concerns please contact our office at the number provided above.

JOSEPH GEYER

CODE ENFORCEMENT OFFICER

Moved by Iafallo seconded by Leonard to approve request

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Committee Appointment

To: City Council

Effective today, Mark Friend has resigned from the "Honorary" Street Re-naming Committee. I am appointing Deborah Friend to fill the vacancy.

WILLIAM R LEONARD-3RD WARD COUNCILMAN

Moved by Leonard seconded by Iafallo appointing Deborah Friend to the "Honorary" Re-naming Committee

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Street Initiative

To: City Council

I am requesting that the Lackawanna City Council waive the rules during the Council Meeting on August 20, 2018 to discuss, consider and approve a decorative art street calming project sponsored by Cornell Cooperative Extension as part of their Complete Streets Grant. Along with the approval of the Lackawanna Municipal Housing Authority, the first crosswalk to be decorated would be at the corner/intersection of Odell Street and Wilmuth Avenue (Odell Playground). Once this spot is complete it is very possible that other locations will be identified next year for a similar project in the first ward. The money needs to be spent by October 1, 2018, so Cornell Cooperative Extension is looking to start and complete the first location on a Saturday in September, either the 8th, 15th or 22nd. Local residents, along with student volunteers identified by the Lackawanna School District, will be recruited to help with this initiative. There will be no City funds needed for this project.

Thank you in advance for your assistance and cooperation on this matter as time is of the essence.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Iafallo seconded by Leonard approve request

Yeas: Noman, Leonard, Surdyke, Iafallo

Nays: Schultz

Carried 4-1

Communications from Citizens:

Lackawanna Little Loop use of Veterans Stadium for Football and Cheerleading practice

21. To: City Council

As president of the Lackawanna Little Loop Football and Cheerleading organization, I am writing to you requesting the use of Veterans Stadium for the purpose of practicing there.

Due to the size of our teams and the expected increase in players and cheerleaders, we are requesting the use of Veterans Stadium to conduct our practice from the period of August 13th, 2018 to November 2nd. This is the last day before the championship games; which we anticipate all of our teams to be in!

It is with the understanding that the Lackawanna High School Steelers Football Team will not be playing at the stadium this year. They will be playing at the high school on Saturday afternoons and the Junior Varsity Team will be playing in the mornings.

I have provided all insurance information for you. Some of the dates may declare the year: 2017. As we have paid our annual league dues, we are anxiously awaiting the updated insurance policies, but the values have remained the same.

If you have any questions, please feel free to contact me.

LARRY LEWIS-LACKAWANNA LITTLE LOOP

Moved by Iafallo seconded by Noman approve request

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Business Registration for 161 Steelawanna Avenue-Resident Comments

22. To: City Council

The purpose of this letter is to comment on the application submitted to operate a store at 161 Steelawanna Avenue.

I've resided across the street for the store for 20 years and in the neighborhood my entire life. Having been raised in the neighborhood, I am very familiar with the 3 previous owners. The store has always been a respectable business. However, a noticeable change occurred when the most recent owner (Edwin Borrero) chose to lease the store approximately 3 to 4 years ago to the current proprietor.

The following are a few "issues" that have arisen since Edwin turned the store over to the new proprietors:

- * The store rarely closes prior to 2 am.
- * There has been a drastic difference in the customer base and not for the good.
- * I have personally witnessed drug transactions in front of the store.
- * Customers leave tremendous amounts of litter in the street, sidewalks and lawns including food containers, broken liquor bottles, and drug paraphernalia.
- * Cars are often left running with loud music playing and vibrating my house. The music is so loud I often can't hear the TV and have to relegate myself to the rear of my house to watch TV.
- * Cars often block my driveway. On one occasion I was yelled at by an Officer Gorska for calling the police desk 3 times to complain that I could not get into my own driveway.
- * Public urination in the driveway of the store.
- * The sound of screeching tires is very common due to cars speeding around the corner.
- * I have had property damage as a result of a speeding car knocking down my fence.
- * A vicious assault took place approximately 2 years ago outside of the store.

All of this has taken place since the business changed to the Nagi family. There have been various individuals (I presume all are related) with the last name Nagi that are associated either with the liquor license, or property ownership.

While I am a strong believer in small business ownership, the business should not be a nuisance to the neighborhood.

I'm not certain what is going on inside of the store, but the atmosphere the store has created makes their customers comfortable in doing all things I indicated above. There is no reason for a small neighborhood store to be open at 12 midnight. I doubt the store sells milk, produce and bread, but if they did, no one would be purchasing those items at 12 midnight.

Again, I do not want to hinder anyone's livelihood, but no one has the right to create a miserable environment for the sake of owning a corner store. This is how the demise of safe and decent neighborhoods start. If nothing is done to stop these problems it will only escalate.

The previous owners made an honest living at the store while running a respectable clean decent business. I respectfully ask that everything outlined above be taken into serious consideration when deciding to approve the application with the current hours of operation indicated. Also, ask yourselves how you would feel as a homeowner and taxpayer if this business were located next door or across the street from your house.

KIMBERLY SMITH

Moved by Iafallo seconded by Noman receive and file

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Business Registrations:

(1) Maad S. Nagi-dba Lackawanna Express Market (grocery store)-161 Steelawanna Avenue

Moved by Iafallo seconded by Noman to approve business registration with amended hours of operation-
Closing Sunday thru Thursday @ 11:00 PM; Friday & Saturday @ midnight

Yeas: Noman, Leonard, Surdyke, Iafallo

Nays: Schultz

Carried 4-1

(2) Carolyn Vitello-dba Golden pipe Smoke Shop (retail sale of smoking accessories)-2540 Hamburg
Turnpike-Unit #3

Moved by Iafallo second by Noman to approve business registration

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Adjournment:

Moved by Iafallo seconded by Leonard meeting adjourned in memory of Daisy

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Annette Iafallo-Council President

Jeffrey P. DePasquale, City Clerk